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DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
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2-21-94-F-173

March 9, 1994

MEMORANDUM

TO: Area Manager, Bureau of Land Management, Arizona Strip District,
St. George, Utah

FROM: ^{ACTING} State Supervisor

SUBJECT: Biological Opinion for the Dixie-Escalante Rural Electric
Cooperative Powerline

This biological opinion responds to your request for formal consultation with the Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended (Act). Your request was dated January 14, 1994, and received by us on January 19, 1994. The Service requested additional information on the scope of the project in a memo dated February 1, 1994. The requested information was received by the Service on March 4, 1994. At issue are impacts resulting from proposed construction of the Dixie-Escalante Rural Electric Cooperative 69 kilovolt (kV) powerline with a 12.5 kV underbuild southwest of Littlefield, Mohave County, Arizona, which may affect the Mojave population of the desert tortoise (*Gopherus agassizii*), a federally listed threatened species.

This biological opinion was prepared using information from the following sources: your January 14, 1994, request for consultation; the project section 7 evaluation [Bureau of Land Management (Bureau) 1994a] and environmental assessment (Bureau 1994b); informal consultation between our staffs; your March 1, 1994, memo responding to our request for more information; and our files.

Biological Opinion

It is the opinion of the Service that the proposed project is not likely to jeopardize the continued existence of the desert tortoise. The proposed project is not located in, nor would it cause destruction or adverse modification of, desert tortoise critical habitat.

Description of the Proposed Action

The Bureau proposes to authorize construction, operation, and maintenance of a 69 kV powerline with a 12.5 kV underbuild (a 12.5 kV line would be strung on the same towers as the 69 kV line) by Dixie-Escalante Rural Electric Association (Dixie-Escalante) across Bureau-administered lands and non-Federal

lands from approximately one mile north of Beaver Dam, Arizona, to approximately 3.5 miles east northeast of Mesquite, Nevada, a distance of 7.6 miles (Figure 1). It would replace an existing 7.2/12.5 kV powerline which does not carry sufficient power to supply dependable service to Littlefield and the surrounding communities of Beaver Dam and Desert Springs. Upgrading the line would also allow for future installation of higher voltage conductors if needed to accommodate anticipated growth and increased power demand. The project would include removal of the existing 7.2/12.5 kV powerline.

The new powerline would be constructed adjacent to the existing line for 2.8 miles (Figure 2). For the remaining 4.8 miles the line would be located to the north of the existing line (Figure 1). The southwestern 3.6 miles of the project, including all public lands in the right-of-way, would be constructed as soon as possible after completion of consultation and other permits and easements are obtained. The remaining 3.6 miles of powerline would likely not be built for several years. Approximately 100 new tower structures, spaced 400 feet apart, would be erected. Construction crews would use existing access roads wherever possible, but some off-road travel would be necessary to access tower sites, particularly in areas where the new line would not be immediately adjacent to the old line. Limited off-road travel would also be necessary to pull and install conductor cables between towers. However, no new roads would be created. The project includes routine maintenance, including inspections, repair of towers and conductors, and repair or replacement of other equipment or facilities such as insulators.

The Bureau proposes the following measures to reduce the effects of the project on the desert tortoise and its habitat:

1. At no time shall vehicle or equipment fluids be dumped on public lands. All accidental spills must be reported to the Bureau and cleaned up immediately, using the best practices and requirements of the law. All spills of federally or State listed hazardous materials that exceed the reportable quantities shall be promptly reported to the appropriate State agency and the Arizona Strip District of the Bureau.
2. No surface disturbance shall be authorized that would impact any threatened or endangered species prior to compliance with the Endangered Species Act.
3. Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by Dixie-Escalante shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.
4. Specific sites, as identified by the authorized officer where construction equipment and vehicles shall not be allowed, shall be clearly marked on-site by Dixie-Escalante before any construction activities begin. Dixie-Escalante shall be responsible for ensuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.

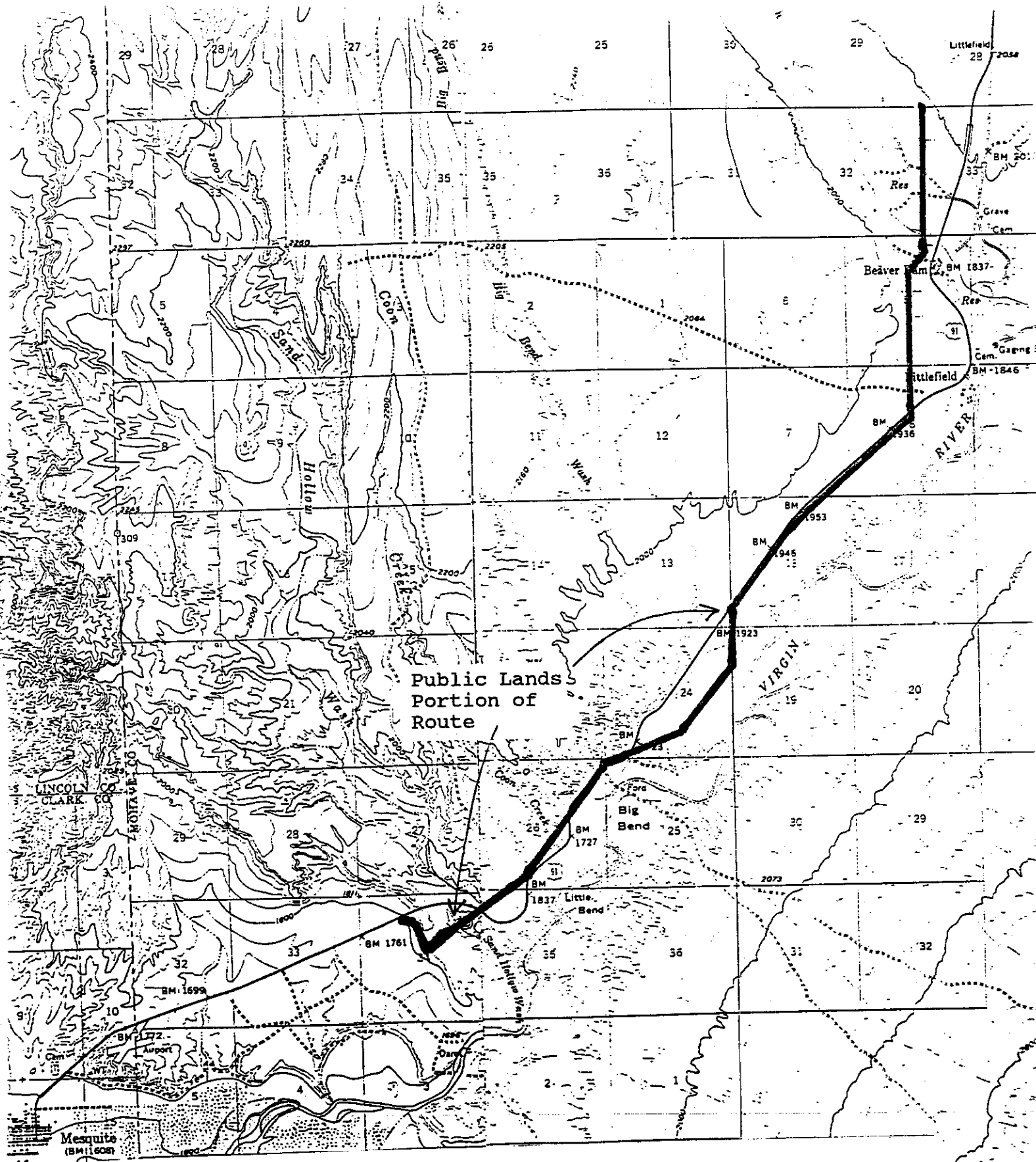


Figure 1: Dixie-Escalante Rural Electric Association Powerline Right-of-Way.

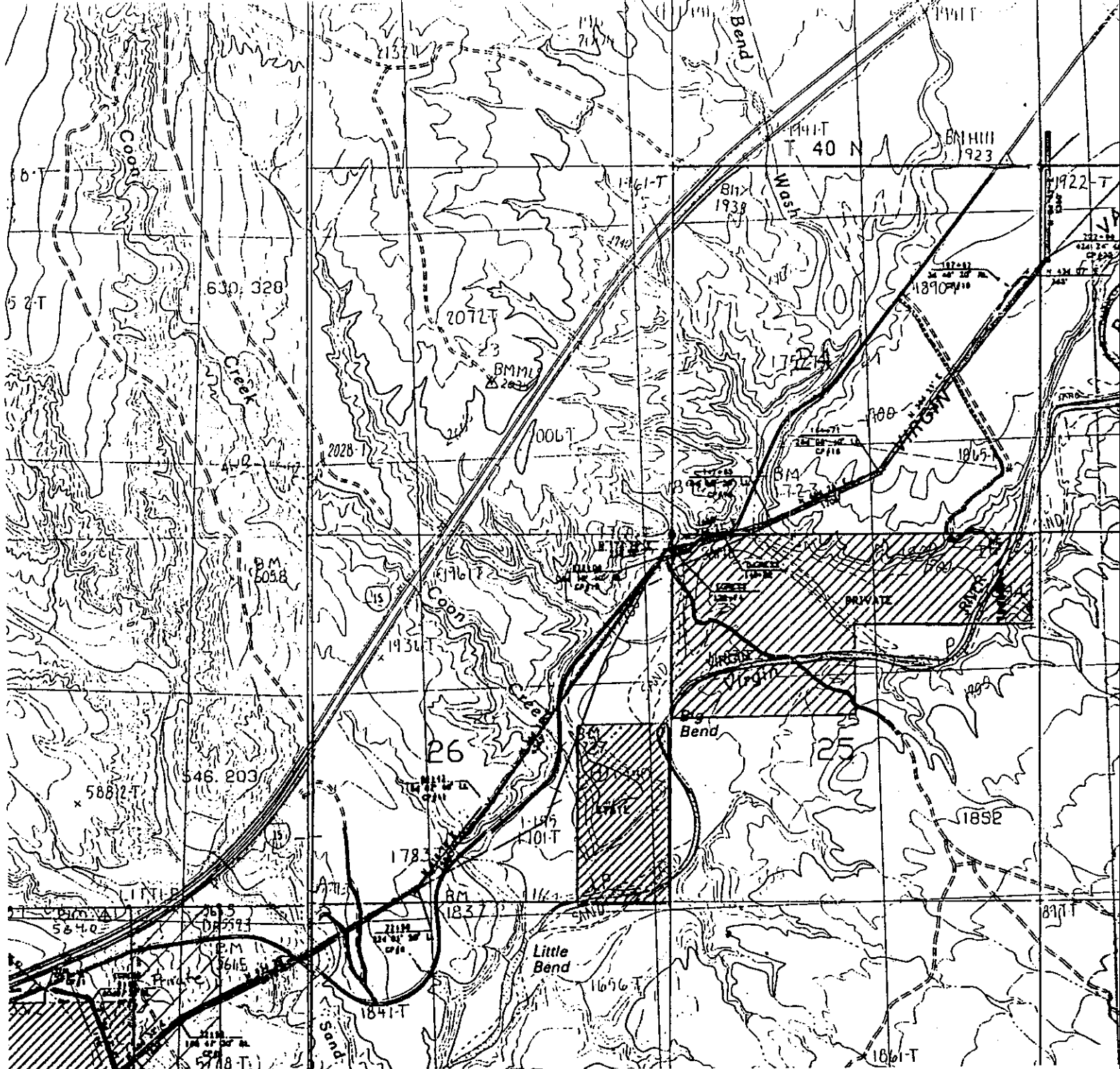
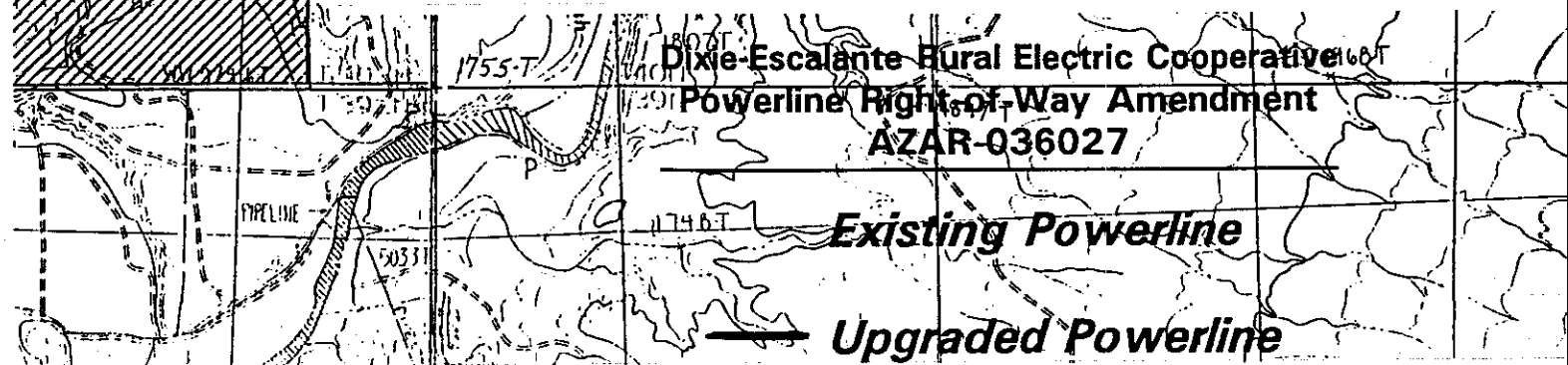


FIGURE 2: Desert tortoise surveys were conducted on the public lands portion of the route, as shown here. 100% surveys were conducted within the upgraded powerline right-of-way and for 30 feet either side of it. Other portions of the powerline right-of-way all occur on private lands and were not surveyed.



5. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be placed in covered receptacles to avoid attracting predators of desert tortoises and disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

6. If a desert tortoise wanders onto the site during construction, all activity will cease until the tortoise wanders out of harm's way of its own volition or a qualified biologist can move it safely.

7. If construction occurs between March 15 and October 15, a desert tortoise biologist will be on-site during construction activity to ensure that no desert tortoises are inadvertently harmed. All shelter sites will be flagged and avoided. Any shelter site that will be destroyed will be excavated by a qualified biologist to ensure that no desert tortoise is trapped or crushed.

8. Desert tortoises encountered during pre-construction clearances or during construction will be relocated by the qualified biologist a minimum of 450 feet into an off-site burrow on public land. If a burrow is not available, one must be constructed by the biologist.

9. All activity associated with construction and maintenance of this powerline will occur within the flagged areas.

10. No dogs will be allowed on-site during construction.

11. No discharge of firearms will be allowed on-site during construction.

12. A gate would be constructed in a pasture division fence which crosses the powerline corridor. This fence would encourage use of existing access by vehicles rather than creation of new trails to find a route around the fence.

13. The Bureau and Dixie-Escalante will develop and implement a plan to close and obliterate unnecessary roads and consolidate access to the degree practical.

Species Account

On August 4, 1989, the Service published an emergency rule listing the Mojave population of the desert tortoise as endangered. In a final rule dated April 2, 1990, the Service determined the Mojave population of the desert tortoise to be threatened. The desert tortoise is a large, herbivorous reptile found in portions of the California, Arizona, Nevada, and Utah deserts, and in Sonora and northern Sinaloa, Mexico. The threatened Mojave population is found in California, Nevada, and north of the Colorado River in Arizona and southwestern Utah. In Arizona, desert tortoises of the Mojave population are most active during the spring and early summer when annual plants are most

common. Additional activity occurs during warmer fall months and after infrequent summer monsoons. Desert tortoises spend the remainder of the year in burrows, escaping the extreme weather conditions of the desert.

The Service recently issued a draft recovery plan for the Mojave population of the desert tortoise (Fish and Wildlife Service 1993). This draft plan proposes the establishment of 14 Desert Wildlife Management Areas (DWMAs) in six recovery units. Land management in DWMAs would target the reduction or elimination of those factors which have caused declines in desert tortoise populations. The boundaries of proposed DWMAs are not precisely defined in the draft plan, but would be established by the Bureau and other land management agencies in coordination with the Service, Arizona Game and Fish Department, and others. The proposed project lies between the Beaver Dam Slope and the Gold Butte-Pakoon DWMAs in the northeastern Mojave recovery unit.

On August 30, 1993, a rule proposing designation of critical habitat for the Mojave population of the desert tortoise was published in the Federal Register (58 FR 45748-45768). A final rule designating critical habitat was published February 8, 1994. The rule takes effect March 10, 1994. The proposed powerline corridor lies between the Beaver Dam Slope and Gold Butte-Pakoon critical habitat units.

Further information on the range, biology, and ecology of the desert tortoise can be found in Burge (1978), Burge and Bradley (1976), Hovik and Hardenbrook (1989), Luckenbach (1982), Turner et al. (1984), Weinstein et al. (1987), and Fish and Wildlife Service (1993).

Environmental Baseline

The project area is located in the northeastern Mojave Desert on a gently sloping bajada north of the Virgin River. Most of the route lies south of Interstate 15. Soils are gravelly fine sandy loams (Bureau 1994a). Vegetation of the area is typical of the creosote bush series of Mohave desert scrub (Turner 1982). Creosote (*Larrea tridentata*) and bursage (*Ambrosia dumosa*) are the dominant perennial plants (Bureau 1994a). The area has been disturbed by a variety of human uses or human-caused impacts, including fire, grazing, off-highway vehicle use, and illegal dumping. A network of dirt roads and trails covers the project area.

A survey for desert tortoises was conducted on all public lands within the powerline corridor on December 15, 1993 (Figure 2). The survey included 100 percent coverage of the powerline corridor and an area extending 300 feet beyond the boundaries of the corridor (Bureau 1994a). No desert tortoises or desert tortoise sign were found. Several cavities were found which could serve as temporary shelter sites for desert tortoises, but they were unoccupied and showed no evidence of use (1994b). Standardized triangular transects have also been conducted in the general project area. These transects yielded some evidence of desert tortoise in the vicinity of the powerline route, but sign counts were low (Appendix 2 of Bureau 1991; T. Duck, Bureau, St. George, Utah, pers. comm. 1994). Taken together, these data indicate low densities of desert tortoises occur in the project area.

The entire route of the project lies within category 3 desert tortoise habitat. Category 3 habitats are those which contain low to medium densities of desert tortoise, but are not essential to the maintenance of viable populations (Spang et al. 1988). Desert tortoises in the project area are isolated from those on the north slope of the Virgin Mountains by the Virgin River. Most of the project area also lies south of Interstate 15 which isolates desert tortoises from those on the Beaver Dam Slope.

Effects of the Proposed Action on the Listed Species

Construction would include erection of approximately 100 towers. Each of the towers would disturb an area approximately 15 by 15 feet (0.005 acre) (Bureau 1994b); thus tower construction would disturb approximately 0.50 acre. Additional habitat disturbance would occur during off-road equipment use as construction crews access tower sites and during pulling and installation of powerline cables.

Although desert tortoises were not recorded during surveys, they are known to occur in the area. Densities are likely very low, but desert tortoises could conceivably be encountered during project construction or maintenance. Project activities could result in incidental injury or crushing of desert tortoises which wander into work areas. Desert tortoises could also be collected by project personnel. Furthermore, refuse left by work crews could attract desert tortoise predators, such as common ravens (*Corvus corax*), and increase mortality in local desert tortoise populations.

Habitat disturbance from construction activities would result in the crushing of shrubs and disturbance of surface soils. Desert tortoise cover sites could be destroyed and shrub cover, which provides sheltering and feeding sites, would be reduced. Vasek et al. (1975) examined recovery of Mohave desert scrub following powerline construction. The effects of construction were still visible after 33 years, but natural revegetation had created a vegetation community similar to surrounding vegetation. Many crushed shrubs would likely resprout from the base, facilitating natural restoration of disturbed areas.

The Bureau has proposed a worker education program, preconstruction surveys, relocation of desert tortoises from work areas, strict control of trash, and other measures which should minimize take of desert tortoises. In addition, the Bureau and Dixie-Escalante propose closing access routes in the project area which should reduce numbers of desert tortoises killed or injured by vehicles, reduce off-highway vehicle use, and promote habitat recovery.

The Service believes the effects described above are not likely to jeopardize the continued existence of the desert tortoise. We present this conclusion for the following reasons:

1. The proponent's project description includes features to minimize take of desert tortoises and mitigate the direct and indirect impacts of the proposed action.

2. The desert tortoise habitat which would be disturbed by the project is limited in size, poor in quality, and has not been identified as important for recovery of the species.

3. Impacts resulting from the project would not contribute to further fragmentation of desert tortoise populations.

Cumulative Effects

Cumulative effects are those impacts of future non-Federal (State, local government, and private) actions that are reasonably certain to occur in the project area. Future Federal actions would be subject to the consultation requirements established in section 7 of the Act and, therefore, are not considered cumulative to the proposed project. Due to the extent of the lands in this area of the Mojave Desert administered by the Bureau, many of the actions which are reasonably expected to occur within the vicinity of the project site would be subject to section 7 consultations. However, considerable acreage between Interstate 15 and the Virgin River, and in the vicinity of Mesquite, Nevada and Littlefield, Arizona are privately owned and continued development of these non-Federal lands is anticipated. The Dixie-Escalante powerline would not in itself cause growth, but would accommodate future development in the communities of Beaver Dam, Littlefield, and Desert Springs which would receive the power supplied by this project. Non-Federal actions which may result in a take of desert tortoises require a section 10(a)(1)(B) permit from the Service. Cumulative impacts of future State and private projects will be addressed through the section 10(a)(1)(B) permit process.

Incidental Take

Section 9 of the Act prohibits the take of listed species without special exemption. Taking is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in any such conduct. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Under the terms of sections 7(b)(4) and 7(o)(2) of the Act, taking that is incidental to and not intended as part of the agency action is not considered to be prohibited under the Act provided that such taking is in compliance with this incidental take statement. Reasonable and prudent measures, as well as terms and conditions in this biological opinion are nondiscretionary, and must be undertaken by the agency or made a binding condition of any grant or permit, as appropriate.

This biological opinion anticipates the following forms of take:

- 1) One desert tortoise in the form of direct mortality resulting from project activities.
- 2) Five desert tortoises through harassment associated with excavation of occupied burrows and movement of desert tortoises out of harm's way.

This biological opinion does not authorize any form of take not incidental to construction, operation, and maintenance of the Dixie-Escalante Rural Electric Cooperative Powerline. If the incidental take authorized by this opinion is met, the Bureau shall immediately notify the Service in writing. If the incidental take authorized by this opinion is exceeded, the Bureau must immediately reinitiate consultation with the Service to avoid a violation of section 9 of the Act. In the interim, Dixie-Escalante or its contractors must cease the activity resulting in the take if it is determined that the impact of additional taking will cause an irreversible and adverse impact on the species. The Bureau should provide an explanation of the cause of the taking.

Reasonable and Prudent Measures

The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize the incidental take authorized by this biological opinion:

1. Worker education programs, defined construction areas, and well-defined operational procedures shall be implemented.
2. Activities which may result in a take of desert tortoise shall be monitored by an on-site qualified biologist(s).
3. Attraction of common ravens and other potential desert tortoise predators to the project area shall be reduced to the maximum extent possible.

Terms and Conditions

The following terms and conditions are established to implement the reasonable and prudent measures described above. Terms and conditions 2, 3, 5-7, 9, 15a, 16, 17, 20, and 21 are adapted from Bureau (1994a and b), but contain slight modifications or added detail.

1. The Bureau shall inform Dixie-Escalante that project activities are exempt from section 9 of the Act, as described in this opinion's incidental take statement, only if all terms and conditions described herein are implemented on both Federal and non-Federal lands.
2. Vehicle and equipment fluids shall be disposed of in accordance with Federal and State regulations. All accidental spills must be reported to the Bureau and cleaned up immediately, using the best practices and requirements of the law. All spills of federally or State listed hazardous materials that exceed the reportable quantities shall be promptly reported to the appropriate State agency and the Arizona Strip District of the Bureau.
3. No surface disturbance shall be authorized that would impact any threatened or endangered species prior to compliance with the Endangered Species Act.
4. The Bureau shall designate a "field contact representative" (FCR) who will be responsible for overseeing compliance with these terms and

conditions and for coordination on compliance with the Service. The FCR, authorized biologist(s), and qualified biologist(s) (see terms and conditions 10 and 14.a for definitions) shall have the authority and responsibility to halt all project activities that are in violation of these terms and conditions. The FCR shall have a copy of all terms and conditions.

5. Construction-related traffic shall be restricted to routes approved by the FCR. Cross-country vehicle travel will not be permitted unless prior approval is given by the FCR. Authorized roads used by Dixie-Escalante shall be rehabilitated or maintained when construction activities are complete as approved by the FCR.

6. The powerline corridor and work areas shall be clearly flagged or marked at the outer boundaries to define the limit of work activities. All construction workers shall strictly limit their activities and vehicles to areas which have been flagged to eliminate adverse impacts to the desert tortoise and its habitat. The Bureau shall be responsible for ensuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.

7. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be placed in covered receptacles to avoid attracting predators of desert tortoises and disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

8. All personnel who implement actions authorized by this biological opinion shall be briefed on the status of the desert tortoise and protection measures designed to reduce potential impacts to this species. Personnel shall be advised that handling, harming, or harassing desert tortoises without specific authorization is a violation of the Act. Personnel shall also be advised of the penalties of up to \$200,000 and six months in prison for taking a listed species without a permit. Handouts summarizing this information shall be provided to all personnel implementing actions which may result in a take of desert tortoise.

9. If a desert tortoise is found in areas to be disturbed by construction, all activity which might injure or harm the desert tortoise shall cease until the animal moves out of harm's way of its own volition or is relocated pursuant to terms and conditions 11 and 12.

10. Only biologists authorized by the Service shall handle desert tortoises. The Service authorizes Tim Duck and John Snyder of the Arizona Strip District to handle desert tortoises pursuant to the terms and conditions of this opinion. If other individuals need to be authorized, the Bureau shall submit the name(s) of the proposed

authorized biologist(s) to the Service for review and approval at least 15 days prior to the onset of activities.

11. If a desert tortoise or desert tortoise eggs are found in areas to be disturbed by construction activities, it is not possible to avoid such disturbance, and the desert tortoise or eggs could be injured or killed by such activities, they shall be relocated by an authorized biologist a short distance away from the construction zone to habitat which will not be disturbed by further construction or operation activities. Desert tortoises removed from construction areas shall be placed in the shade of a shrub, in a natural unoccupied burrow, or in an artificial burrow. Desert tortoises shall not be placed on lands outside the administration of the Federal government without the written permission of the landowner. Burrows from which desert tortoises or eggs are removed and unoccupied burrows in areas to be disturbed by construction shall be collapsed to prevent entry by desert tortoises. Handling procedures shall adhere to Service protocol (Fish and Wildlife Service 1992a).

12. All relocated desert tortoises shall be marked for future identification. An identification number using the acrylic paint/epoxy covering technique shall be placed on the fourth left costal scute as described in Arizona Game and Fish Department et al. (1991). Slide photographs (35mm) shall be taken of the carapace, plastron, and fourth costal scute.

13. The authorized biologist(s) shall maintain a record of all desert tortoises encountered during project activities. This information shall include for each desert tortoise:

- The locations and dates of observation
- General condition and health, including injuries and state of healing and whether animals voided their bladders
- Location moved from and location moved to
- Diagnostic markings (i.e. identification numbers of marked lateral scutes)

14. If construction occurs before March 15, 1994, one of the following two measures shall be implemented on the non-Federal portions of the powerline corridor:

a. A qualified biologist (a knowledgeable desert tortoise biologist approved by the Bureau) shall perform a preconstruction survey of the project area. Surveys shall conform to Service protocol (Fish and Wildlife Service 1992b), except that zone of influence surveys will not be necessary. If desert tortoises are found above ground or within burrows, or eggs are found in areas to be disturbed by construction activities, the qualified biologist shall work with the construction supervisor to take steps, as necessary, including altering project boundaries, to avoid damaging a burrow or disturbing a desert tortoise or desert tortoise eggs. If disturbance of desert tortoises or eggs is

unavoidable, they shall be relocated pursuant to terms and conditions 11 and 12.

b. A qualified biologist shall be on-site during all activities which may result in the take of desert tortoises. The monitor shall survey the powerline corridor within 24 hours of disturbance and monitor construction activities to ensure compliance with these terms and conditions. All shelter sites shall be flagged and avoided, to the extent possible. If disturbance to a shelter site is unavoidable, it shall be excavated by an authorized biologist. When evaluating the potential effects of project activities, the biologist should consider that burrows may be as long as 30 feet. If a desert tortoise or eggs are found in the burrow they shall be relocated pursuant to terms and conditions 11 and 12.

15. If construction occurs after March 15, 1994, the following terms and conditions shall be implemented:

a. A qualified biologist shall be on-site during all construction activities (on both Federal and non-Federal portions of the route) which may result in the take of desert tortoises. The activities of the qualified biologist shall be as defined in term and condition 14.b.

b. From March 15 to October 15, open excavations and other hazards created by construction activities shall be checked three times each day. These inspections shall be performed by the qualified or authorized biologist. The authorized biologist shall remove any trapped desert tortoises and relocate animals pursuant to terms and conditions 11 and 12. Open excavations or other hazards created by construction activities shall be removed at the end of each day, or when project personnel are absent. Any hazards which are not removed shall be fenced or otherwise barricaded to prevent entry by desert tortoises.

c. All project personnel shall inspect under parked vehicles at the work area prior to driving. If a desert tortoise is discovered under a parked vehicle, the authorized biologist shall be notified immediately. The animal shall either be allowed to move out of harm's way on its own accord or the authorized biologist shall relocate it to a nearby, safe location pursuant to terms and conditions 11 and 12.

d. Speed limits shall not exceed 25 miles per hour while project personnel are driving off of paved roads.

16. No dogs will be allowed on-site during construction.

17. No discharge of firearms will be allowed on-site during construction.

18. Vehicle parking and equipment staging areas shall be located in previously disturbed areas to the maximum extent feasible.

19. Project areas shall be confined to the smallest practical area, considering topography, project needs, safety considerations, and other limiting factors. Any flagging or stakes used to delineate project boundaries shall be removed after construction is complete.

20. A gate to allow passage of vehicles on the powerline access road shall be constructed in the pasture division fence which crosses the right-of-way.

21. The Bureau shall develop and implement a plan to close and obliterate unnecessary roads and consolidate access in the project area, to the degree practical.

22. Within 90 days after completion of construction, the Bureau shall submit a monitoring report to the Arizona Ecological Services State Office. The report shall briefly document the effectiveness of the desert tortoise mitigation measures, actual acreage of desert tortoise habitat disturbed, the number of desert tortoises excavated from burrows, the number of desert tortoises moved from construction sites, and information on individual desert tortoise encounters as stipulated in term and condition 13. The report shall make recommendations for modifying or refining these terms and conditions to enhance desert tortoise protection and reduce needless hardship on the project proponent.

Disposition of Dead, Injured, or Sick Desert Tortoises

Upon locating a dead, injured, or sick individual of a listed species, initial notification must be made to Special Agent Melvin Holt, Federal Building, Room 8, 26 North McDonald, Mesa, Arizona, (Telephone: 602/261-6443) within three working days of its finding. Written notification must be made within five calendar days and include the date, time, and location of the animal, a photograph, and any other pertinent information. The notification shall be sent to Special Agent Holt with a copy to the Phoenix Office. Care must be taken in handling sick or injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible state. If possible, the remains of intact desert tortoises shall be placed with educational or research institutions holding appropriate State and Federal permits. If such institutions are not available, the information noted above shall be obtained and the carcass left in place.

Arrangements regarding proper disposition of potential museum specimens shall be made with the institution prior to implementation of the action. Injured animals should be transported to a qualified veterinarian by an authorized biologist. Should any treated desert tortoise survive, the Service should be contacted regarding the final disposition of the animal.

Conservation Recommendations

Sections 2(c) and 7(a)(1) of the Act direct Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of listed species. The term "conservation

recommendation" has been defined as Service suggestions regarding discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information. The recommendation provided here does not necessarily represent complete fulfillment of the agency's section 2(c) or 7(a)(1) responsibilities for the desert tortoise. In furtherance of the purposes of the Act, we recommend implementing the following action:

1. The Bureau or Dixie-Escalante should monitor the movements, survivorship, and condition of relocated desert tortoises to evaluate the effectiveness of the relocation. This information could be used to develop more successful relocation techniques.

The Service requests notification of the implementation of this conservation recommendation so we can be kept informed of actions that either minimize or avoid adverse effects, or that benefit listed species or their habitats.

Conclusion

This concludes formal consultation on the construction, operation, and maintenance of the Dixie-Escalante Rural Electric Cooperative Powerline. Reinitiation of formal consultation is required if: 1) the amount or extent of incidental take is reached; 2) new information reveals effects of the agency action that may adversely affect listed species or critical habitat in a manner or to an extent not considered in this opinion; 3) the agency action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this opinion; or 4) a new species is listed or critical habitat designated that may be affected by this action (50 CFR 402.16). Any questions or comments should be directed to Jim Rorabaugh or Tom Gatz of my staff.


for
Sam F. Spiller

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